

EXHIBIT E

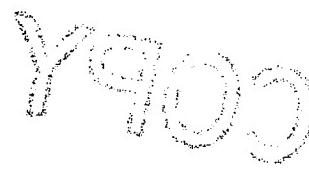
1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4
5 ROBERT WINGO,)
6)
7 vs.) No. 08 c 368
8 THYSSENKRUPP MATERIALS NA,)
9 INC., d/b/a COPPER AND BRASS)
10 SALES,)
11 Defendants.)

COPY

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14
15 The deposition of PATRICK BISHOP, called by the
16 Plaintiff for examination, pursuant to subpoena, and
17 pursuant to the provisions of the Code of Civil Procedure
18 of the State of Illinois and the Rules of Supreme Court
19 thereof pertaining to the taking of depositions for the
20 purpose of discovery, taken before ROSE MARIE WEBER, a
21 Certified Shorthand Reporter for the State of Illinois,
22 at 29 South LaSalle Street, Suite 610, Chicago, Illinois,
23 commencing on the 30th day of May, A.D. 2008, at the hour
24 of 7:15 a.m.

DEPOSITION OF PATRICK BISHOP -- 05/30/08

1 APPEARANCES:		2 OBJECTION INDEX	
		2 OBJECTION MADE BY	PAGE
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9	Robert Wingo;	10 MR. DISBROW	43
10		11 MR. DISBROW	44
11	HONIGMAN, MILLER, SCHWARTZ AND COHN, L.L.P.,	12 MR. DISBROW	45
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17	Thyssenkrupp Materials NA.	18 MR. DISBROW	51
18		19 MR. DISBROW	52
19		20 MR. DISBROW	53
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23		24 MS. WEGNER	63
24			
			
1 EXAMINATION INDEX		3 EXHIBIT INDEX	
2 WITNESS	EXAMINATION	2 NUMBER	5 MARKED FOR ID
4 PATRICK BISHOP		4 NO EXHIBITS MARKED	
5 EX-BY MS. WEGNER	7	5 NO EXHIBITS ATTACHED	
6 EX-BY MR. DISBROW	59	6	
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1 DEPOSITION OF PATRICK BISHOP
 2 MAY 30, 2008
 3 PATRICK BISHOP, having been first
 4 duly sworn, was examined and testified as follows:
 5 EXAMINATION
 6 BY MS. WEGNER:
 7 Q. Sir, would you please state your full
 8 name for the record?
 9 **A. Patrick Daryl Bishop. D-a-r-y-l.**
 10 Q. Let the record reflect this is the
 11 deposition of Patrick Bishop in the case entitled
 12 Robert Wingo versus Thyssenkrupp Materials NA,
 13 Inc., doing business as Copper and Brass Sales,
 14 case number 08 C 368, in the United States District
 15 Court for the Northern District of Illinois,
 16 Eastern Division.

17 This deposition is being taken
 18 pursuant to subpoena and in accordance with the
 19 Federal Rules procedure and applicable local rules.
 20 All right, Mr. Bishop. I
 21 introduced myself to you earlier. I'm Jan Wegner,
 22 one of the attorneys representing Robert Wingo in
 23 the lawsuit that he currently has pending against
 24 Copper and Brass Sales.

1 I will be asking you some
 2 questions today regarding your employment with
 3 Copper and Brass Sales, Mr. Wingo's employment with
 4 that same entity, some questions regarding the
 5 business of Copper and Brass Sales and allegations
 6 made in Mr. Wingo's pending lawsuit.

7 Have you ever given a deposition
 8 before today?

9 **A. No.**

10 Q. Have you ever provided sworn testimony
 11 before today at a trial or other type of hearing?

12 **A. No.**

13 Q. Prior to today, have you ever been
 14 involved in any litigation as a witness or a party?

15 **A. No.**

16 Q. All right. Mr. Bishop, it's important
 17 that you respond verbally to all the questions that
 18 are asked of you so that the court reporter can
 19 make an accurate record because she's using
 20 machines that are incapable of a non-verbal
 21 response. Okay?

22 **A. Okay.**

23 Q. Will you let me know if I ask a
 24 question that you feel you don't understand?

6 1 **A. Absolutely.**
 2 Q. Okay. If you tell me you don't
 3 understand a question, I will rephrase it to make
 4 it perfectly clear for you to be able to respond to
 5 that question. All right?

6 **A. All right.**

7 Q. And if you do answer a question, it
 8 will be assumed that you understood that question.
 9 Okay?

10 **A. Okay.**

11 Q. It would be helpful if you wait for a
 12 question to be completed before you begin speaking
 13 because it's difficult for the court reporter to
 14 record more than one person speaking at the same
 15 time. Okay?

16 **A. All right.**

17 Q. If you need a break, let us know. As
 18 long as you answer any question that's been asked
 19 first, we'll be happy to take a break. Okay?

20 **A. Great.**

21 Q. Any question about the process?

22 **A. None.**

23 Q. All right. From time to time during
 24 my questioning, the attorney representing Copper

7 1 I will be asking you some
 2 questions today regarding your employment with
 3 Copper and Brass Sales, Mr. Wingo's employment with
 4 that same entity, some questions regarding the
 5 business of Copper and Brass Sales and allegations
 6 made in Mr. Wingo's pending lawsuit.

7 Have you ever given a deposition
 8 before today?

9 **A. No.**

10 Q. Have you ever provided sworn testimony
 11 before today at a trial or other type of hearing?

12 **A. No.**

13 Q. Prior to today, have you ever been

14 involved in any litigation as a witness or a party?

15 **A. No.**

16 Q. All right. Mr. Bishop, it's important

17 that you respond verbally to all the questions that

18 are asked of you so that the court reporter can

19 make an accurate record because she's using

20 machines that are incapable of a non-verbal

21 response. Okay?

22 **A. Okay.**

23 Q. Will you let me know if I ask a

24 question that you feel you don't understand?

1 and Brass, who you've met is Mr. Disbrow, may have
 2 objections that he will pose, and he will also have
 3 the opportunity to question you when I am finished,
 4 just so you understand how that process works.
 5 Okay.

6 **A. That's fine.**

7 Q. Did you receive a subpoena and a
 8 witness fee check to appear for your deposition
 9 today?

10 **A. Yes.**

11 Q. Mr. Bishop, are you represented by an
 12 attorney here today for your deposition?

13 **A. I have no idea.**

14 MR. DISBROW: I think the record
 15 will reflect that the company's attorney does not
 16 represent you personally in this matter.

17 THE WITNESS: Then no.

18 BY MS. WEGNER:

19 Q. Where do you reside, sir?

20 **A. Indiana.**

21 Q. Okay. Where is your current residence
 22 in Indiana?

23 **A. Dyer.**

24 Q. What is your home address?

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<p>1 A. 9471 Henry Street.</p> <p>2 Q. How long have you lived at 9471 Henry 3 Street in Dyer, Indiana?</p> <p>4 A. September 2006.</p> <p>5 Q. And is your current residence a home 6 or an apartment?</p> <p>7 A. It's a home.</p> <p>8 Q. With whom do you reside at your home 9 in Dyer, Indiana?</p> <p>10 A. My wife and three kids.</p> <p>11 Q. Do you have any current intention on 12 relocating from your present home address within 13 the next year?</p> <p>14 A. No, it's a brand new house.</p> <p>15 MR. DISBROW: Moving is no fun 16 with three kids. I can attest to that.</p> <p>17 THE WITNESS: I said from when we 18 moved from the old house, I'll never do that again.</p> <p>19 BY MS. WEGNER:</p> <p>20 Q. What is your date of birth, Mr. 21 Bishop?</p> <p>22 A. 12-16-76.</p> <p>23 Q. And what is your current age?</p> <p>24 A. Thirty-one.</p>	<p>10</p> <p>1 Q. And how much high school did you 2 complete?</p> <p>3 A. Three years.</p> <p>4 Q. Three years?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any training in a trade?</p> <p>7 A. No.</p> <p>8 Q. Do you hold any professional licenses 9 or certifications?</p> <p>10 A. No.</p> <p>11 Q. Are you currently employed with Copper 12 and Brass Sales?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you begin your employment 15 with Copper and Brass Sales?</p> <p>16 A. 2001, September 17th. That's the year 17 911 happened, right?</p> <p>18 MR. DISBROW: Yes.</p> <p>19 BY MS. WEGNER:</p> <p>20 Q. And in what position did you begin 21 with Copper and Brass Sales in 2001?</p> <p>22 A. Warehouseman.</p> <p>23 Q. At what location did you begin working 24 with Copper and Brass Sales?</p>
<p>1 Q. Do you have a current phone number?</p> <p>2 A. Yes. 219-558-8700.</p> <p>3 Q. And is this your home phone number?</p> <p>4 A. Yeah. My son is starting kindergarten. So, when we got the new house, we had to make sure to get an easy number for him to remember.</p> <p>5 Q. Have you ever been convicted of a 6 felony?</p> <p>7 A. No.</p> <p>8 Q. Have you ever been convicted of a 9 crime involving dishonesty?</p> <p>10 A. No.</p> <p>11 Q. And what is the highest level of 12 education you've achieved, Mr. Bishop?</p> <p>13 A. High school.</p> <p>14 Q. Are you a high school graduate?</p> <p>15 A. No.</p> <p>16 Q. Where did you attend high school?</p> <p>17 A. Highland High School, Griffith High School.</p> <p>18 Q. Were the high schools that you 19 attended in Indiana?</p> <p>20 A. Yes.</p>	<p>11</p> <p>1 A. Munster, Indiana.</p> <p>2 Q. And at what location do you currently 3 work with Copper and Brass Sales?</p> <p>4 A. Schaumburg, Illinois.</p> <p>5 Q. Did you transfer from the Copper and 6 Brass Sales, Munster, Indiana location to 7 Schaumburg?</p> <p>8 A. Yes, I guess you can call it that.</p> <p>9 They come down and asked us if we wanted jobs there, that we'd still keep our seniority. We'd keep basically everything we had. Just a transfer, I guess, is the best way to put it.</p> <p>10 Q. Was the Copper and Brass Sales 11 location at which you were employed in Munster, 12 Indiana closed at some time?</p> <p>13 A. They closed in January of 2002.</p> <p>14 Q. Are you a member of a union?</p> <p>15 A. Yes.</p> <p>16 Q. What union do you belong to?</p> <p>17 A. Local 714.</p> <p>18 Q. Has your union affiliation with the 19 teamsters?</p> <p>20 A. Correct.</p> <p>21 Q. What are your duties as a warehouseman</p>

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1 with Copper and Brass Sales? 2 A. Current? 3 Q. Yes. 4 A. I work in receiving, unloading trucks, 5 checking material in, tagging the material, putting 6 away the material. 7 Q. How long have you held your current 8 position with Copper and Brass Sales in receiving? 9 A. A year maybe, give or take a couple 10 months or so. 11 Q. Have you performed other warehouseman 12 positions while you've been employed at Copper and 13 Brass Sales? 14 A. Yes. 15 Q. What other job positions have you 16 worked in? 17 A. The rod, bar and wire area, driving a 18 side loader, pulling orders, PVC station, sheet 19 station, packing station. That's it. 20 Q. What duties did you perform in the 21 rod, bar and wire area at Copper and Brass? 22 A. Just packaging metal. 23 Q. And what process was used for you to 24 move within various stations at Copper and Brass	14	1 Brass Sales? 2 A. Yes. 3 Q. What was the last employment that you 4 had before you began working with Copper and Brass 5 Sales in September of 2001? 6 A. Webb Ford. 7 Q. Where were you employed by Webb Ford? 8 A. Highland, Indiana. 9 Q. And what was your position with Webb 10 Ford? 11 A. I worked the parts counter. 12 Q. Was your position with Webb Ford a 13 full-time position? 14 A. Yes. 15 Q. And how long were you employed by Webb 16 Ford? 17 A. Let's see. July 7, '97 to February of 18 '01. 19 Q. Why did your employment end with Webb 20 Ford? 21 A. Termination. 22 Q. In between Webb Ford and Copper and 23 Brass Sales, did you have any employment? 24 A. No. Unemployment.	16
1 Sales? 2 A. As in? 3 Q. Did you request to be moved to the 4 different stations? 5 A. You're a warehouseman. You know they 6 can put you anywhere they want. 7 Q. Among the different work-stations that 8 you have worked at with Copper and Brass Sales, are 9 there any that are -- that have job duties that are 10 more difficult than others? 11 A. I don't think so in my opinion, no. 12 Q. What were your duties when you worked 13 in the PVC station in Copper and Brass Sales? 14 A. Just grab a machine that rolls the 15 plastics on the bottom. You grab a sheet and just 16 step on a pedal and it runs it right through the 17 machine and onto another skid. It just puts a 18 layer of clear plastic of PVC on top of it or white 19 laser color. 20 Q. Were you employed before you started 21 working at Copper and Brass Sales? 22 A. No. 23 Q. Did you have full-time employment, at 24 any time, before you started working at Copper and	15	1 Okay. Fair enough. 2 What's the reason that you were 3 terminated by Webb Ford? 4 A. A customer came in and wanted touch-up 5 paint for their car. The stickers were missing off 6 the door. It was a brand-new car. I asked him 7 where the stickers were for the paint code on the 8 door. So, I told him to go out there and get the 9 number off and come back in, and there was no 10 sticker there. 11 So, I go back. Okay. You maybe 12 see the car has been wrecked. Well, it comes down 13 to it and he finds out the car has been wrecked. 14 The parents comes down. Well, the snow plow that 15 plows our lot, slammed into the car. So, he's 16 going to have it repaired without telling them and 17 they find out that I had done something. I just 18 did my job and I ended up getting fired for it. 19 That's it. I got the raw end of the deal, I say. 20 Don't ever buy a car from them. 21 Q. Did you file any type of charges or 22 complaints against Webb Ford regarding your 23 termination? 24 A. No, not when their lawyer was an old	17

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20

1 **Lake County judge. I don't think it's going to
2 work.**

3 Q. Have you ever filed any charges or
4 complaints against your current employer, Copper
5 and Brass Sales?

6 **A. As in grievances?**

7 Q. Okay. Grievances.

8 Have you done that?

9 **A. Yeah.**

10 Q. Have you had a lawyer represent you in
11 any claims [against Copper and Brass Sales?

12 **A. No.**

13 Q. Have you ever filed any discrimination
14 charges against Copper and Brass Sales?

15 **A. Yes.**

16 Q. Where did you file discrimination
17 charges against Copper and Brass Sales?

18 **A. Through corporate.**

19 Q. Did you contact someone in human
20 resources to file discrimination charges against
21 Copper and Brass Sales?

22 **A. Yes.**

23 Q. When did you contact human resources
24 to file claims of discrimination against Copper and

1 corporate human resources?

2 **A. Oh, one that was sent to them. God,
3 I'm trying to think. It went back and forth
4 sending certified letters. Oh, god. I honestly
5 don't know which one it is. It's the one that had
6 all the certified letters with it.**

7 Q. Was the complaint that you lodged
8 against Copper and Brass Sales with corporate human
9 resources resolved?

10 **A. To them it was.**

11 Q. Did you make your complaint to
12 corporate human resources related to any particular
13 individual at Copper and Brass Sales?

14 **A. Yes.**

15 Q. And who was it that you complained
16 about?

17 **A. Mark Demean and Randy Lunt.**

18 Q. Are you aware of whether or not there
19 was any investigation that was conducted by
20 corporate human resources as a result of your
21 complaint?

22 **A. They went off of Randy's
23 investigation.**

24 Q. And what is it that you believe Randy

19
1 Brass Sales?

2 **A. I don't know what dates they are. I
3 have all that stuff on file at home.**

4 Q. Do you recall what year you contacted
5 the human resources regarding your complaint
6 against Copper and Brass Sales?

7 **A. It was either '06 or '07. I'm not
8 sure. I honestly don't know.**

9 Q. What was the complaint that you made
10 with human resources?

11 **A. I don't have that in front of me. I'm
12 sorry.**

13 Q. Well, did your complaints to human
14 resources at Copper and Brass Sales stem from any
15 particular incident?

16 **A. There was an incident.**

17 Q. Okay. And what was the incident that
18 occurred that caused you to contact human resources
19 corporate?

20 **A. I honestly don't know. I've had a few
21 of them. So, I don't know which one it was. I
22 honestly can't tell you.**

23 Q. So, as you sit here today, you don't
24 know what your claims were that you presented to

1 investigated that corporate human resources relied
2 upon?

3 MR. DISBROW: I'm just going to
4 object on the grounds of foundation. I don't know
5 that he knows or has personal knowledge regarding
6 the investigation Randy undertook, but you can
7 answer the question if you know.

8 THE WITNESS: Well, do you want
9 to know how he did his investigation?

10 BY MS. WEGNER:

11 Q. No. You said to me that human
12 resources went off Randy's investigation.

13 **A. Right. Randy said he did an
14 investigation, according to their letters that were
15 sent back to me, and they saw none of this had
16 happened. So, that was the end of it.**

17 Q. Do you have any personal knowledge
18 that Randy actually conducted an investigation upon
19 which human resources relied?

20 **A. It's none of my business. It's just
21 his job to do.**

22 Q. Well, what did you complain about to
23 human resources regarding Mark Demean and Randy
24 Lunt?

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<p>1 A. It was over a suspension. I was 2 suspended for three days. Let's see. February of 3 '06. Yes, that's exactly when it was. February of 4 '06, and it wasn't Mark Demean. It was Steve 5 Catama.</p> <p>6 MR. DISBROW: I think that's 7 spelled C-a-t-a-m-a.</p> <p>8 THE WITNESS: That's right. 9 Because he was fired that week, and they suspended 10 me and then fired him.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. Did you file a grievance regarding the 13 three-day suspension in February of '06?</p> <p>14 A. Yes.</p> <p>15 Q. And what was the result that was 16 reached for the grievance that you filed relating 17 to the suspension in February of 2006?</p> <p>18 A. That one was when all the certified 19 letters were being sent back and forth, and I got 20 nothing. The grievance was denied.</p> <p>21 Q. What was the reason you were told you 22 were being suspended for three days in February of 23 2006?</p> <p>24 A. It had to do with -- I don't know if</p>	<p>22</p> <p>1 an electrical forklift which is impossible. I filed 2 a grievance on it and our BA came down and said 3 "It's hearsay. You got no proof." 4 So, they had to pay me my time 5 off.</p> <p>6 Q. Who is it that you are referring to as 7 the BA that came down to assist you?</p> <p>8 A. Gino Rodriguez, my business agent.</p> <p>9 Q. Mr. Rodriguez is affiliated with your 10 local union?</p> <p>11 A. Yes, he's our business agent.</p> <p>12 Q. Are you familiar with Mr. Wingo?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you first become 15 acquainted with Mr. Wingo?</p> <p>16 A. I finally knew Bob -- I started there 17 midnights and didn't know him then. Then I want to 18 say 2003 or 2004, somewhere around there.</p> <p>19 Q. Well, when you first started working 20 at the Copper and Brass Sales Schaumburg location, 21 working midnights, what was your job position?</p> <p>22 A. Warehouseman.</p> <p>23 Q. What specific area?</p> <p>24 A. Rod, bar and wire.</p>
<p>1 it was insubordinate. I want to say 2 insubordination.</p> <p>3 Q. Prior to February of 2006, had you 4 been suspended?</p> <p>5 A. Yes.</p> <p>6 Q. And how many times prior to February 7 of 2006 had you been suspended?</p> <p>8 A. Just once.</p> <p>9 Q. Prior to February of 2006, what was 10 the length of the suspension you received?</p> <p>11 A. Three days.</p> <p>12 Q. When were you suspended prior to 13 February of 2006?</p> <p>14 A. Oh, I don't know when this one was but 15 I know what it was for.</p> <p>16 Q. Okay.</p> <p>17 A. I didn't file a grievance on it but it 18 was just based on hearsay, basically is what it 19 was, and I got my three day's pay back.</p> <p>20 Q. What was it that you understand was 21 hearsay that caused your first suspension at Copper 22 and Brass Sales?</p> <p>23 A. Somebody came on the floor and said I 24 was doing donuts on a forklift, doing burnouts on</p>	<p>23</p> <p>1 Q. What tasks did you perform in the rod, 2 bar and wire area on midnights?</p> <p>3 A. Packing material.</p> <p>4 Q. When, in your employment at the 5 Schaumburg location, did you change from the 6 midnight shift?</p> <p>7 A. About eight or nine months after I 8 started. I went to second shift.</p> <p>9 Q. And how were you able to transfer to 10 the second shift after eight or nine months?</p> <p>11 A. I asked the guy to switch.</p> <p>12 Q. Who did you ask to switch?</p> <p>13 A. His name is Mike Peroni.</p> <p>14 Q. And Mr. Peroni agreed to switch shifts 15 with you?</p> <p>16 A. Right. Well, we had to go through 17 Randy and Randy posted it, if anybody wanted it, 18 then it had to go here and there, and if nobody 19 wanted it, then he let the switch happen.</p> <p>20 Q. What was the position that you assumed 21 when you switched to the second shift?</p> <p>22 A. Rod, bar and wire.</p> <p>23 Q. Were your duties any different in rod, 24 bar and wire than on the second shift?</p>

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<p>1 A. No.</p> <p>2 Q. How long did you handle the rod, bar 3 and wire position on second shift then?</p> <p>4 A. Well, like I said, I float around. If 5 I finish my work there, you know, Steve Thomas is 6 the foreman. He'll say "Can you help them over 7 here?" "Can you help them over here?" I don't 8 have a problem with that. I'm getting paid to 9 work. It makes my day go by faster. So, one minute 10 you're helping to pack and unpack. I don't have a 11 problem with that.</p> <p>12 So, I floated and bounced around 13 from time to time. One week they put me on packing 14 station. My main area was the rod, bar and wire.</p> <p>15 Q. When did you last work mainly in rod, 16 bar and wire?</p> <p>17 A. I would say the end of second shift, 18 right when I went onto days. I started out in the 19 sheet station or PVC. I went to days and that was 20 -- Yeah, it was days. June of '06 I went to days.</p> <p>21 Q. What process did you follow to change 22 your shift to the day shift in 2006?</p> <p>23 A. Well, there was a bid to go to days 24 and I was the highest senior guy who bid for it and</p>	<p>26</p> <p>1 A. No, it's basically self-explanatory.</p> <p>2 Q. When you completed production logs 3 working in RBW, what was the stop time that you 4 entered?</p> <p>5 A. When you completed the order, when 6 you're officially done with the order.</p> <p>7 Q. Did you work in rod, bar and wire on 8 the first shift at all?</p> <p>9 A. Oh, a few times, only when somebody 10 was off and they would -- When I first started 11 first shift, I floated around. They put me to it. 12 You catch for the shear, sheet station, packing 13 station, PVC station, RBW, you know. They move you 14 around wherever you're needed. I was basically the 15 floater. I was the new guy on the shift.</p> <p>16 Q. What were the duties that you 17 performed in the packing station?</p> <p>18 A. Stuff that comes from the saws, the 19 shear bay and packing cushion, 8 by 8 by 8 20 boxes, whatever. Basically like a UPS style but 21 UPS doesn't go until the afternoon.</p> <p>22 Q. When was it that the production logs 23 were changed to reflect both a start and stop 24 sometime?</p>
<p>1 I got it.</p> <p>2 Q. Well, when you were working in rod, 3 bar and wire on the second shift, do you know what 4 Mr. Wingo's position was?</p> <p>5 A. I believe he was in the packing 6 station.</p> <p>7 Q. Do you know -- When you worked in rod, 8 bar and wire on the second shift, were you required 9 to prepare production logs?</p> <p>10 A. Yes. Yes, we were. Yes.</p> <p>11 Q. What was the information you were 12 required to put on production logs?</p> <p>13 A. You had your name at the bottom, you 14 put the date on the top, shift you were on, the 15 time you started and then each production sheet 16 goes 1 to 20 from the orders that you fill.</p> <p>17 You put the work order number, 18 the pieces, the weight and the destination; the 19 time stopped. The time when you finished the 20 order. There is a start time and a stop time. Back 21 then there was only a stop time on the orders. Now, 22 we have a start and stop time.</p> <p>23 Q. Did you receive training on filling 24 out the production logs at Copper and Brass Sales?</p>	<p>27</p> <p>1 A. The start of LEAN.</p> <p>2 Q. When did LEAN start at the Copper and 3 Brass Sales location?</p> <p>4 A. A circled variety. It was branch 5 wide. I don't know. Do you know?</p> <p>6 MR. DISBROW: No.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. You don't recall?</p> <p>9 A. No. Maybe last year, start of '07. I 10 don't know.</p> <p>11 Q. In the position that you are currently 12 doing in receiving, that you have been doing for 13 about a year, did you complete production logs?</p> <p>14 A. Absolutely. If we have orders to 15 fill, because now in the receiving area - and I'll 16 explain this to you - we get TR's, which is 17 transfers, there is three of us that work down 18 there. One person might fill the orders. I might 19 not fill an order for three months, and I won't 20 fill out a sheet because I'm not doing production. 21 I'm running the crane, checking the material in. 22 So, there is no need to fill a production sheet 23 out. Whoever fills an order -- if I fill one order 24 I have to put it on the sheet.</p>

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<p>1 Q. When the change occurred with the 2 production logs that now contain a start and a stop 3 time, did you receive training regarding those 4 changes?</p> <p>5 A. Yeah, we had a meeting on it. Yes.</p> <p>6 Q. Do you recall when the meeting was 7 whether you received training on the change in the 8 work orders?</p> <p>9 A. I don't recall. It would be my 10 foreman in the office when we started the success. 11 I'm sure Mark had one with his guys on it too. I 12 can't answer that for you, but it was -- I know 13 everybody had to have it because it was the start 14 of, like I said the LEAN, the success.</p> <p>15 Q. Mr. Bishop, did you ever receive 16 instructions on what notations, if any, you should 17 make when you had begun working on an order but 18 were unable to complete an order at the end of your 19 shift?</p> <p>20 A. Have I ever had any notations?</p> <p>21 Q. Did you receive instructions on what 22 you were to do with respect to a work order that 23 you --</p> <p>24 A. If I was in the middle of one?</p>	<p>30 understand the question, you can answer it.</p> <p>2 THE WITNESS: I'm sorry. What 3 are you asking again?</p> <p>4 BY MS. WEGNER:</p> <p>5 Q. When you were in rod, bar and wire on 6 the second shift?</p> <p>7 A. Okay.</p> <p>8 Q. Did the person handling the work in 9 rod, bar and wire on the first shift leave 10 unfinished work order for you to complete?</p> <p>11 A. No, Ray would never do that to me.</p> <p>12 Q. And who are you referring to by "Ray"?</p> <p>13 A. Me and Ray Cather. We used to ride 14 together on second shift when we worked on second 15 shift together. Even went to days and he covered 16 the days part of it, and then I cover the afternoon 17 part when I was on second shift. So, we helped each 18 other. It's just how it was with me and him.</p> <p>19 Q. Did anyone at Copper and Brass Sales 20 ever indicate to you the average number of hours -- 21 I'm sorry -- work orders you should be able to 22 process in a day?</p> <p>23 MR. DISBROW: I'm going to object 24 to the form of the question because I think it's</p>
<p>1 Q. Yes.</p> <p>2 A. I always finished my job, even after 3 the bell. I'm not that type of person to leave 4 somebody hanging out to figure out what the hell 5 I'm doing.</p> <p>6 Q. Have you had occasions where you've 7 started your shift and there has been work left 8 over from a prior shift for you to do?</p> <p>9 A. There is always work left over from a 10 prior shift. They run 24 hours. There's always 11 something to do.</p> <p>12 Are you asking did somebody leave 13 something in the middle of something?</p> <p>14 Q. Yes.</p> <p>15 A. Yeah, I've had a few.</p> <p>16 Q. All right. Aside from the receiving 17 area where you said you don't fill out production 18 logs on a regular basis unless you have a transfer, 19 when you worked in rod, bar and wire, did the 20 first-shift person in that -- at that station leave 21 unfinished work orders for you?</p> <p>22 MR. DISBROW: I'm going to object 23 to the form of the question. I think it 24 mischaracterizes earlier testimony. If you</p>	<p>31 ambiguous in the current form.</p> <p>2 THE WITNESS: I don't think so.</p> <p>3 BY MS. WEGNER:</p> <p>4 Q. When you were in rod, bar and wire, 5 did you ever learn that the company had an 6 expectation of a certain number of work orders that 7 you should complete in a day?</p> <p>8 A. No, not that I know of. I average 40 9 orders a day when I worked eight-hour shifts.</p> <p>10 Q. While you've worked at Copper and 11 Brass Sales, have you learned how many work orders 12 other people average per day working in the rod, 13 bar and wire area?</p> <p>14 A. It's none of my business what they do. 15 I'm not worried about what other people do.</p> <p>16 Q. Do you know what Mr. Wingo's last 17 position was?</p> <p>18 A. The RB&W line.</p> <p>19 Q. And for how long did Mr. Wingo, to 20 your knowledge, work on the RBW line in his last 21 position at Copper and Brass Sales?</p> <p>22 A. I can't tell you. I don't know. I 23 worked on the opposite side of the building from him. He works Bay 1 and I work Bay 5. It's on the</p>

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1 **totally other end of the building. When he went**
 2 **down there, I have no idea.**

3 Q. Who's your supervisor in receiving?

4 A. **Ray Doromal.**

5 MR. DISBROW: I'm not sure on
 6 this one either but I think it's D-o-r-o-m-a-l.

7 MS. WEGNER: D-o-r-o-m-a-l.

8 MR. DISBROW: I think so but I'll
 9 double check.

10 BY MS. WEGNER:

11 Q. When you started working in receiving
 12 on the first shift, do you recall when Mr. Wingo
 13 was in the RBW area?

14 A. **I have no idea. I don't know.**

15 Q. Do you recall an incident that
 16 occurred with Mark Demean in late August of 2007
 17 when you were working with Mr. Wingo, and Mark
 18 Demean saw you or Mr. Wingo?

19 A. **I would say it wasn't in August. It**
 20 **was in late September, October.**

21 Q. Okay.

22 A. **Obviously, I do.**

23 Q. And you said you're typically on the
 24 other side of the building from Mr. Wingo.

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1 **over here. I don't know. I'd say from maybe 30**
 2 **feet, 40 feet.**

3 Q. And were you able to see Mr. Demean
 4 and Mr. Wingo at the time you heard Mr. Demean
 5 yelling and cussing?

6 A. **Yes.**

7 Q. And what did you hear Mr. Demean say
 8 to Mr. Wingo on this occasion?

9 A. **He just asked if he was fucking doing**
 10 **anything today. Is that what you want me to say?**
 11 **You know, there's a difference with -- you know,**
 12 **you got shop talk and you got regular talk, you**
 13 **know.**

14 Q. Did you hear Mr. Demean say anything
 15 to Mr. Wingo on this occasion in September of 2007?

16 A. **No, I didn't hear. I know he went to**
 17 **him again but I didn't hear anything. I wasn't**
 18 **around then.**

19 Q. On this day that Mr. Demean yelled and
 20 cussed at Mr. Wingo, did you help Mr. Wingo lift
 21 PVC roll?

22 A. **Yes, I did.**

23 Q. How heavy can you estimate the PVC
 24 roll that you helped Mr. Wingo lift was?

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1 So, at the time of this incident
 2 in September of 2007 involving Mr. Demean, why were
 3 you near Mr. Wingo?

4 A. **Because Mr. Wingo was working the PVC**
 5 **station which is located right next to where I**
 6 **worked.**

7 Q. And when Mr. Demean, in September of
 8 2007, allegedly swore, were you standing talking to
 9 Mr. Wingo.

10 MR. DISBROW: I'll object to the
 11 form of the question. It assumes facts not in
 12 evidence. You can answer the question if you know.

13 THE WITNESS: I wasn't standing
 14 next to him when he did. No, I wasn't standing
 15 there.

16 BY MS. WEGNER:

17 Q. Did you hear what Mr. Demean said to
 18 Mr. Wingo on this occasion in September of 2007?

19 A. **He was yelling at him, cussing at him.**

20 Q. How far away from Mr. Wingo and Mr.
 21 Demean were you when you heard the yelling and
 22 cussing?

23 A. **Let's see. They were at the back side**
 24 **of the table here and I was in the receiving bay**

1 A. **I'm sure 75 pounds, a hundred pounds.**

2 Q. And how high does the PVC roll that
 3 you helped have to be lifted?

4 A. **Probably about right to here on me.**
 5 **(Indicating.) So, what's that, about five and a**
 6 **half foot?**

7 Q. In your experience at Copper and Brass
 8 Sales, is the lifting of this 75 to a hundred pound
 9 PVC roll to a height of five and a half feet
 10 something that one person usually does?

11 A. **One person can do it but you can ask**
 12 **for help.**

13 Q. Have you assisted other people in
 14 lifting the PVC rolls?

15 A. **Yes, all time. I mean if you're**
 16 **walking by and a guy will ask, "Hey, can you give**
 17 **my a hand lifting this" and you say "Okay."**

18 Q. And on this occasion in September of
 19 2007, when you helped Mr. Wingo lift the PVC roll,
 20 did you request permission from your supervisor to
 21 help Mr. Wingo?

22 A. **Yes, I did.**

23 Q. Why did you request permission from
 24 your supervisor to help Mr. Wingo lift the PVC

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<p>1 roll?</p> <p>2 A. Because Mark Demean had already said 3 something to me earlier in the day because I walked 4 by and asked Bob for some Tums, and when he went to 5 his locker to get me some, he told me to stay in my 6 bay and I said "Okay."</p> <p>7 Q. All right. And when you asked your 8 supervisor if you could help Mr. Wingo lift the PVC 9 roll, was it Ray Doromal that you asked?</p> <p>10 A. Yes.</p> <p>11 Q. Did Mr. Doromal give you permission to 12 help Mr. Wingo?</p> <p>13 A. Yes, he did.</p> <p>14 Q. Did you receive any discipline as a 15 result of helping Mr. Wingo lift the PVC roll?</p> <p>16 A. Yes.</p> <p>17 Q. What was the discipline you received 18 for helping Mr. Wingo lift the PVC roll?</p> <p>19 A. A letter of counsel.</p> <p>20 Q. And who issued the letter of counsel 21 to you?</p> <p>22 A. Mark Demean.</p> <p>23 Q. Did Mr. Demean explain the basis for 24 the discipline that you received for helping Mr.</p>	<p>38</p> <p>1 file. 2 That's the only reason why I 3 filed a grievance on it. I stayed out of trouble 4 for 90 days and it was removed.</p> <p>5 Q. Did Mr. Wingo, to your recollection, 6 receive any discipline as a result of the incident 7 where Mark Demean swore at him?</p> <p>8 MR. DISBROW: Objection to form 9 of the question. Do you understand?</p> <p>10 THE WITNESS: I don't know. It's 11 his business. I have no ideas.</p> <p>12 BY MS. WEGNER:</p> <p>13 Q. When you heard Mark Demean swear at 14 Mr. Wingo, did you hear any response that Mr. Wingo 15 made?</p> <p>16 A. No, I didn't.</p> <p>17 Q. Did anyone with Copper and Brass Sales 18 in a supervisory, managerial or human resource 19 position, ever ask you what you witnessed Mr. 20 Demean say to Mr. Wingo --</p> <p>21 MR. DISBROW: Object to form of 22 the question.</p> <p>23 BY MS. WEGNER:</p> <p>24 Q. -- on that occasion?</p>
<p>1 Wingo lift the PVC roll?</p> <p>2 A. No, he didn't. Just whatever the 3 letter stated.</p> <p>4 Q. Did you complain to anyone in 5 management about the discipline that you received 6 --</p> <p>7 A. I had -- Go ahead. —</p> <p>8 Q. -- from Mr. Demean?</p> <p>9 A. I filed a grievance against them.</p> <p>10 Q. All right. Was the grievance that you 11 filed, as a result of the discipline you received 12 from Mr. Demean for helping Mr. Wingo lift the PVC 13 roll, resolved?</p> <p>14 A. Yes.</p> <p>15 Q. How was that grievance resolved?</p> <p>16 A. Basically, when I wrote my grievance I 17 didn't feel I deserved it. Just basically know 18 what my union contract says. I need a letter of 19 counsel and I don't feel I deserved it.</p> <p>20 So, the union and company greed 21 to a 90-day probation period. I didn't get into 22 any trouble. I just wanted out. A letter of 23 counsel was nothing to hurt you, against you. It's 24 just a counseling letter but I don't want it in my</p>	<p>39</p> <p>1 MR. DISBROW: Object to the form 2 of the question as compound.</p> <p>3 THE WITNESS: I was too busy 4 actually dealing with my own at the time. Randy 5 asked me what happened and I said, "You know what? 6 I don't want to get involved with this. I'm 7 dealing with my own right now because this stuff 8 happened that same day." So, I said, "You know 9 what? Take it how you want."</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. So, when Randy asked you what happened 12 that day between Mark Demean and Mr. Wingo, you 13 didn't tell him what you heard Mr. Demean say?</p> <p>14 A. I was too busy with Mr. Lunt myself 15 about fighting this write-up that I got. I was 16 worried about myself, not Mr. Wingo.</p> <p>17 Q. Did you ever prepare any type of 18 written statement regarding what you witnessed Mr. 19 Demean say to Mr. Wingo on that occasion in 20 September of 2007?</p> <p>21 A. Did I write anything up?</p> <p>22 Q. Yes.</p> <p>23 A. No, I didn't.</p> <p>24 Q. And are you familiar with Mr.</p>

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<p>1 Freuhauf?</p> <p>2 A. Yes.</p> <p>3 Q. Who's Mr. Freuhauf?</p> <p>4 A. He's the vice president of our region, the north central region.</p> <p>5 Q. Did Mr. Freuhauf ever contact you to 6 ask what you witnessed Mr. Demean say to Mr. Wingo 7 when you heard Mr. Demean swear at Mr. Wingo in 8 September of 2007?</p> <p>9 A. No.</p> <p>10 Q. Were you ever told that Mr. Freuhauf 11 claimed he did contact you to find out what you 12 witnessed Mr. Demean say when he swore at Mr. Wingo 13 in September of 2007?</p> <p>14 MR. DISBROW: Object to the form 15 of the question. Assumes facts not in evidence.</p> <p>16 THE WITNESS: You're asking if he 17 asked me?</p> <p>18 BY MS. WEGNER:</p> <p>19 Q. I thought I already asked you that and 20 you Said no.</p> <p>21 Did anyone ever tell you that Mr. 22 Freuhauf claimed he did contact you?</p> <p>23 A. No, no. Nobody ever did.</p>	<p>42</p> <p>1 A. No.</p> <p>2 Q. All right. Earlier when we talked 3 about Mr. Demean swearing at Mr. Wingo, you 4 mentioned something about there is shop talk and 5 there is other talk?</p> <p>6 A. Right.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. Well, shop talk is -- I mean you're talking to somebody, you know, and it's like, "You know, that's bullshit." "That's bullshit." That's shop talk. If you tell somebody to go fuck themselves, it's not. I don't know how you want -- how else you want me to put it.</p> <p>14 Q. Okay. Those statements that you just 15 made, telling somebody to go fuck themselves, is 16 that what you heard Mr. Demean say to Mr. Wingo?</p> <p>17 MR. DISBROW: Objection.</p> <p>18 Mischaracterizes his previous testimony. It's been 19 asked and answered.</p> <p>20 THE WITNESS: I've already told 21 you he said, "Are you going to fucking do anything 22 today?"</p> <p>23 BY MR. WEGNER:</p> <p>24 Q. And you felt Mr. Demean's statement to</p>
<p>1 MR. DISBROW: Same objection.</p> <p>2 BY MS. WEGNER:</p> <p>3 Q. Do you know the reason that Mr. Wingo 4 was terminated?</p> <p>5 A. I have no idea.</p> <p>6 Q. Have you had contact with Mr. Wingo 7 since he was terminated? —</p> <p>8 A. He tried contacting me about three or four times.</p> <p>10 Q. How do you know Mr. Wingo tried to 11 contact you three or four times?</p> <p>12 A. He called my cell phone.</p> <p>13 Q. Did you call to Mr. Wingo?</p> <p>14 A. I've talked to him a couple times. He said he was bummed about being fired, you know. I said I'm sorry. He said, "Well, let me know what's going on: And I said, "I don't know what's going on here. File your grievance and do what you got to do."</p> <p>20 Q. Do ou recall what the last time was 21 that you spoke to Mr. Wingo was?</p> <p>22 A. Maybe two weeks after he was fired.</p> <p>23 Q. Did Mr. Wingo of tell you that he 24 spoke to Mr. Freuhauf about his termination?</p>	<p>43</p> <p>1 Mr. Wingo that you witnessed was inappropriate?</p> <p>2 MR. DISBROW: Objection to form 3 of the question. Mischaracterizes his earlier 4 testimony.</p> <p>5 THE WITNESS: I don't know. You 6 can take it either way. It's just how the guy is, 7 you know.</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. I'm sorry. Who are you referring to?</p> <p>10 A. Mark Demean. That's just how he is.</p> <p>11 Some people see him one way and some people see him another way.</p> <p>13 Q. Are you familiar with Tyler Demean?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you work with Tyler Demean at the 16 Copper and Brass Sales' Schaumburg location?</p> <p>17 A. Yes, he was a helper on first shift for a little while and then he transferred to midnights.</p> <p>20 Q. Did you work on the midnight shift 21 with Tyler Demean?</p> <p>22 A. No, he hasn't been there that long.</p> <p>23 Maybe two years I want to say.</p> <p>24 Q. Okay. So that I understand it, by the</p>

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1 time Tyler Demean transferred to midnights, you
 2 were already working a different shift?

3 **A. He was on days the same time I was, I**
 4 **want to say, for a little bit because he was a**
 5 **helper, and then there was an opening for midnights**
 6 **and I know he took the opening to go to midnights.**
 7 **How long, I don't know.**

8 Q. To your knowledge, are there instances
 9 where Tyler Demean would be supervised by his
 10 father, Mark?

11 MR. DISBROW: Objection to
 12 foundation. You can answer if you know.

13 THE WITNESS: Well, his dad was a
 14 foreman on first shift, and Tyler was on first
 15 shift and his dad was the foreman and you got other
 16 father and sons that work out there. Denny and
 17 Jason Prosser. Me and my brother worked there.

18 BY MS. WEGNER:

19 Q. Are you currently working with your
 20 brother?

21 **A. Yeah. My brother works as a customer**
 22 **service supervisor.**

23 Q. What's your brother's name.

24 **A. Kevin.**

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1 **A. Yes, 5:00, 4:00. It depends if he**
 2 **wants to come in early or not.**

3 Q. And you have seen Tyler when he comes
 4 in early?

5 **A. Yes.**

6 Q. Do you know what hours Tyler works on
 7 the midnight shift?

8 **A. 11:00 to 7:30.**

9 Q. All right. So, when you normally
 10 start at 6:00 in the morning, is Tyler still at
 11 work?

12 **A. Yes.**

13 Q. So, you see him in the morning when
 14 you don't come in earlier than your normal start
 15 time?

16 **A. Yes, in passing. Just to say "Hi," if**
 17 **I start at 5:00 and that's when I'm going on break**
 18 **and I'm going in.**

19 Q. And has anyone told you that they
 20 witnessed Tyler on his cell phone during his shift
 21 on the floor?

22 MR. DISBROW: Objection to form
 23 of the question. Foundation. You can answer it.

24 THE WITNESS: It's none of my

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1 Q. Does your brother ever supervise your
 2 work?

3 **A. Never.**

4 MR. DISBROW: I'm going to object
 5 to this line of questioning as to relevance. You
 6 can answer the question. I don't think they're
 7 relevant.

8 THE WITNESS: No, he has nothing
 9 to do with hourly or union employees.

10 BY MS. WEGNER:

11 Q. And you also mentioned Denny and Jason
 12 Prosser?

13 **A. Both warehousemen.**

14 Q. And neither Denny or Jason Prosser is
 15 a supervisor?

16 **A. No, they're both warehousemen.**

17 Q. Are you allowed to use a cell phone
 18 while you're at work on the floor?

19 **A. Emergency only.**

20 Q. Have you ever witnessed Tyler Demean
 21 use his cell phone during the workday on the floor?

22 **A. I don't see Tyler during the day.**

23 Q. Well, when you worked first shift, you
 24 started at 6:00 o'clock?

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1 business, no.

2 BY MS. WEGNER:

3 Q. Have you been made aware of what Mr.
 4 Wingo's claiming in his lawsuit?

5 **A. No, I haven't.**

6 Q. In his lawsuit, Mr. Wingo is claiming
 7 that he was treated less favorably than other
 8 employees at Copper and Brass Sales because of his
 9 age.

10 Did you ever witness any instance
 11 where you thought Mr. Wingo being treated less
 12 favorably than other employees because of his age?

13 **A. No.**

14 Q. Did Mr. Wingo ever complain to you
 15 while you worked with him at Copper and Brass
 16 Sales' Schaumburg location that he felt he was
 17 being treated unfairly?

18 MR. DISBROW: Objection to the
 19 form of the question as ambiguous in its current
 20 form.

21 THE WITNESS: No, no.

22 BY MS. WEGNER:

23 Q. Mr. Wingo never said to you he thought
 24 that something had happened to him at work was not

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<p>1 fair?</p> <p>2 MR. DISBROW: Same objection.</p> <p>3 THE WITNESS: Not that I can</p> <p>4 recall, no.</p> <p>5 BY MS. WEGNER;</p> <p>6 Q. Did Mr. Wingo ever tell you he didn't</p> <p>7 think it was fair that he'd been terminated?</p> <p>8 MR. DISBROW: Same objection.</p> <p>9 It's been asked and answered.</p> <p>10 THE WITNESS: When he called me</p> <p>11 on the phone, yes, he did.</p> <p>12 BY MS. WEGNER:</p> <p>13 Q. What was it that Mr. Wingo said about</p> <p>14 it not being fair that he was terminated?</p> <p>15 A. Just you got to understand.</p> <p>16 Obviously, you know Bob, right? You know how he</p> <p>17 talks? Have you met Bob?</p> <p>18 Q. I've met Mr. Wingo.</p> <p>19 A. Okay. Just how he talks, and this is</p> <p>20 funny how he talks. "Hey, Bubba, you know, this is</p> <p>21 bullshit what they did to me leading me on like</p> <p>22 this." Just stuff like that, you know. Hey, like,</p> <p>23 you know, sorry you lost your job, you know. File</p> <p>24 your grievances. File the proper procedure. You</p>	<p>50</p> <p>52</p> <p>1 intensive care. So, you know, what happened at the</p> <p>2 beginning of the year from whatever when Bob got</p> <p>3 let go in what, December? I don't know. I</p> <p>4 honestly don't know who filled in for him.</p> <p>5 BY MS. WEGNER:</p> <p>6 Q. Well, you said that you were aware</p> <p>7 that they brought in people early to cover?</p> <p>8 A. Right. They'd called guys from second</p> <p>9 shift out to come in early to start, like 10:30,</p> <p>10 because they're shorthanded.</p> <p>11 Q. Immediately after Mr. Wingo's</p> <p>12 termination in 2007, who did you see in the RBW</p> <p>13 work on the first shift?</p> <p>14 MR. DISBROW: Objection to</p> <p>15 foundation.</p> <p>16 THE WITNESS: I'm trying to think</p> <p>17 who it is. I honestly don't know who they brought</p> <p>18 in over there. I know they bring guys in early to</p> <p>19 cover but...</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. Do you know who they brought in early?</p> <p>22 A. I know Al would stay over on midnights</p> <p>23 to help cover, Artie would come in early. Will</p> <p>24 they put Carlito down there maybe? I don't know.</p>
<p>51</p> <p>1 know, that's the only thing you can do. That's the</p> <p>2 answer to your question, I hope.</p> <p>3 Q. While you were employed at Copper and</p> <p>4 Brass Sales with Mr. Wingo, did anyone indicate to</p> <p>5 you that there was a problem with Mr. Wingo's</p> <p>6 performance in any position?</p> <p>7 A. No. Like I said, I worked on the</p> <p>8 opposite side of the building. I don't know what</p> <p>9 happened on this side over here.</p> <p>10 Q. Do you know who took over the position</p> <p>11 Mr. Wingo had been working in when he was</p> <p>12 terminated?</p> <p>13 MR. DISBROW: Objection to the</p> <p>14 form of the question. Assumes facts not in</p> <p>15 evidence. Just before you answer, I'm also going to</p> <p>16 object on foundation. He's not a management</p> <p>17 employee.</p> <p>18 THE WITNESS: I mean they bring</p> <p>19 people in early to cover. Is it Mario came off</p> <p>20 second shift? I don't know. Like I said, I wasn't</p> <p>21 there at the beginning of this year, you know.</p> <p>22 I missed the first four and a</p> <p>23 half weeks of work. My daughter come down with</p> <p>24 RSV. So, she was in Christ Children's Hospital in</p>	<p>53</p> <p>1 I don't make those decisions. I just, you know</p> <p>2 like I said, I'm on the other side of the building.</p> <p>3 BY MS. WEGNER:</p> <p>4 Q. All right. Did you ever see Tyler</p> <p>5 Demean handling the RBW duties after Mr. Wingo was</p> <p>6 terminated.</p> <p>7 MR. DISBROW: I'm going to object</p> <p>8 to the form of the question. I think it's been</p> <p>9 asked and answered. I think he told you numerous</p> <p>10 times he doesn't know who's performing those</p> <p>11 duties.</p> <p>12 THE WITNESS: Basically, they put</p> <p>13 whoever they want down there, you know. Guys</p> <p>14 coming in early, guys stay over late. Other guys</p> <p>15 on days they put down there. That's one of the</p> <p>16 busiest departments is RBW line.</p> <p>17 BY MS. WEGNER:</p> <p>18 Q. And who presently is handling the RBW</p> <p>19 processing?</p> <p>20 MR. DISBROW: Object to the form</p> <p>21 of the question. I think he's already told you he</p> <p>22 doesn't know.</p> <p>23 THE WITNESS: Right now down</p> <p>24 there is --</p>

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	54		56
1	BY MS. WEGNER:	1	MR. DISBROW: Objection to
2	Q. Yeah, in the last week. Have you	2	relevance. You can answer it if you know.
3	noticed somebody handling RBW work?	3	THE WITNESS: I don't know
4	A. Yeah, Mike Peroni is down there now	4	anything about that.
5	and another guy will stay over and come in early.	5	BY MS. WEGNER:
6	Q. Have you, during your employment with	6	Q. To your knowledge, does Mark Demean
7	Copper and Brass Sales, made work order errors?	7	have a reputation for being someone who retaliates
8	A. Yeah, I'm sure I have.	8	when people voice complaints about him?
9	Q. Did you ever receive any discipline	9	MR. DISBROW: Objection to
10	for work order errors?	10	foundation, form of the question.
11	MR. DISBROW: Objection as to	11	THE WITNESS: Only thing I can
12	relevance. You can answer if you know.	12	say about Mark Demean is he goes by the book.
13	THE WITNESS: I've never received	13	BY MS. WEGNER:
14	discipline for errors, work order errors. I've	14	Q. What do you mean by that remark?
15	been written-up if that's what you want to call	15	A. He goes by the union contract. He's
16	discipline. If you're calling a write-up	16	just a stickler for the rules, I guess, if that's
17	discipline then, yes.	17	what you want to hear.
18	BY MS. WEGNER:	18	Q. Did you ever learn the reason Mr.
19	Q. Have you ever been cited with	19	Wingo was terminated?
20	repetitive work order errors?	20	MR. DISBROW: Objection. Asked
21	A. As in?	21	and answered.
22	Q. Repetitive work order errors?	22	THE WITNESS: Ever learn the
23	A. I don't --	23	reason why?
24	Q. Did you receive discipline for	24	MS. WEGNER: Yes.
1	anything like that?	55	
2	A. Well, I've been written up for doing	1	THE WITNESS: I believe you just
3	an order wrong. You know, they make a copy of it	2	told me that he was for age discrimination. I
4	and show me it. Here's a verbal warning. You	3	think you said.
5	know, try not to let it happen again. Okay. Great.	4	BY MS. WEGNER:
6	Q. Do you know whether work order errors	5	Q. So, no one ever told you that Mr.
7	are something that commonly happens at Copper and	6	Wingo was terminated for any specific type of rule
8	Brass Sales?	7	violation; is that right?
9	A. Nobody's perfect.	8	A. No. That's none of my business.
10	Q. Did Mr. Wingo ever tell you he was not	9	Q. Are you familiar with the work rules
11	going to file a grievance against Mark Demean for	10	at Copper and Brass Sales?
12	swearing at him because he was concerned that he	11	A. Most of them, yes.
13	would suffer retaliation?	12	Q. Have you ever received any training on
14	A. Not in that way. Said he didn't want	13	the Copper and Brass Sales work and safety rules?
15	to file a grievance because he would -- he said	14	A. Yes.
16	Mark would take away his overtime, but whatever. I	15	Q. Are you aware of a major work rule
17	would say how can you take away the overtime when	16	enforced at Copper and Brass Sales relating to
18	he was Number 2 on the seniority list?	17	falsifying company records?
19	Q. Do you know for sure he was Number 2	18	A. It's in our union contract. I believe
20	on the list?	19	it's a Class D violation, which is an automatic
21	A. He was.	20	violation.
22	Q. Have you ever been made aware of a	21	Q. And have you ever been made aware of
23	rule at Copper and Brass Sales that no employee	22	the company's definition of "falsifying company
24	should supervise a relative?	23	records"?
		24	A. No, I never have.

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<p>1 MS. WEGNER: I don't have any 2 other questions for Mr. Bishop. 3 MR. DISBROW: I just have a few. 4 I just want to make it clear. I think you were 5 clear but I just want to make sure the record is 6 clear.</p> <p>7 EXAMINATION 8 BY MR. DISBROW:</p> <p>9 Q. Sitting here today you have no 10 personal knowledge concerning the reasons for Mr. 11 Wingo's termination; is that correct?</p> <p>12 A. Yes, I have no idea. That's not my 13 business. It's the company's business.</p> <p>14 Q. So, the first time you heard any 15 allegation of age discrimination was from Ms. 16 Wegner here today? —</p> <p>17 A. Yes. I've never heard nothing of 18 that.</p> <p>19 Q. And you don't have any evidence of age 20 discrimination; is that your earlier testimony?</p> <p>21 A. Of being?</p> <p>22 Q. You don't have any evidence --</p> <p>23 A. No, I have nothing.</p> <p>24 Q. -- that relates to age discrimination</p>	<p>58</p> <p>1 overtime if he is -- or has the right to that 2 overtime under the collective bargaining contract? 3 A. He can't deny him. 4 Q. And if he did that would be -- 5 A. A grievance. Yeah, you file a 6 grievance against that supervisor for the time that 7 you've lost. This is how it works. If where I'm 8 at, I get offered first because I get seniority 9 over the guy I work with because we work in the 10 same spot. You know, he wanted to come in early 11 yesterday. I didn't have a problem with that. Go 12 ahead. I'll sign no but I get the incumbency first 13 and then that's where my seniority comes in because 14 I have the seniority there.</p> <p>15 So, if you got four guys that 16 work in one station, the highest senior guy is 17 going to get the overtime over the over three guys.</p> <p>18 Q. And are you aware of any -- Are you 19 aware of Mark Demeanor, or any other supervisor, 20 trying to go outside of the collective bargaining 21 agreement and deny an individual overtime?</p> <p>22 A. No. With how slow we are right now, 23 we're even lucky to get any.</p> <p>24 Q. Mr. Peroni, Mike Peroni, there was</p>
<p>1 against Mr. Wingo?</p> <p>2 A. No, no, I don't.</p> <p>3 Q. I take it from your earlier testimony 4 that overtime is based on seniority?</p> <p>5 A. Well, it's seniority and incumbency. 6 Incumbency is -- how they put it is they say if you 7 work a station for six hours because they added 8 into the contract -- a hired senior guy cannot get 9 the overtime.</p> <p>10 Say I'm the lowest man on the 11 totem pole and the number one guy wants to work 12 that area but I worked there six hours, I get it 13 offered to me first because of the incumbency.</p> <p>14 Q. But it's all governed by the 15 collective bargaining agreement?</p> <p>16 A. Yes, it's all in our contract. Now, 17 like Saturday work, they called me this morning to 18 see if I want to work Saturday. Saturday goes 19 strictly by seniority because there is no 20 incumbency for Saturday.</p> <p>21 Q. Okay. So, if any supervisor wanted to 22 -- Strike that.</p> <p>23 So, to your knowledge, is it 24 possible for a supervisor to deny an individual's</p>	<p>59</p> <p>1 some testimony about him earlier?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know when he started with the 4 company?</p> <p>5 A. He started right after me. I know he 6 started -- I want to say January of 2002.</p> <p>7 Q. Okay. So, he was a current employee 8 of the company well before Mr. Wingo was terminated 9 in January of 2007?</p> <p>10 A. Oh, yes. He's been there for -- It's 11 what, his seventh year?</p> <p>12 Q. So, he wasn't a replacement employee?</p> <p>13 A. No.</p> <p>14 Q. Not a new hire?</p> <p>15 A. No. That's who I switched with on 16 midnights. He came off of midnights to come to 17 first shift because there was nobody there, when I 18 went to second shift, because he was on second 19 shift and I switched with him.</p> <p>20 Q. I think there was some testimony 21 earlier too that Bob Wingo uses colorful language, 22 if I can put it that way?</p> <p>23 A. Everybody uses colorful language.</p> <p>24 Q. It's common in the shop?</p>

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	62		
1	A. It's shop talk exactly. Earlier I		64
2	explained it.		
3	Q. You spent some time in the shop. I		
4	spent some time in the shop. That's not something		
5	that somebody uses a curse word the not something		
6	that you would find outside of the ordinary?		
7	A. No.		
8	Q. So, would you find -- Based upon your		
9	experience with Mr. Wingo, do you think that he		
10	would be seriously offended if somebody swore in		
11	front of him?		
12	A. No.		
13	Q. Or swore at him?		
14	A. No.		
15	Q. That wouldn't shock his conscience?		
16	A. No.		
17	Q. It wouldn't affect his ability to		
18	carry out his duties?		
19	A. No.		
20	MS. WEGNER: I think it calls for		
21	speculation and I would object.		
22	BY MR. DISBROW:		
23	Q. Now, this incident that occurred		
24	somewhere around late August or September of 2007,		
1	you indicated that you heard Mr. Demean say		63
2	something along the lines of "Are you going to		
3	fucking do any work today?"		
4	A. Right.		
5	Q. Did you take, from that statement,		
6	that it was directed at Mr. Wingo because of his		
7	age?		
8	A. No.		
9	Q. And I think from your earlier		
10	testimony, that's the way Mr. Demean talks to a		
11	certain degree?		
12	A. Right. Correct.		
13	Q. To everybody?		
14	A. Yeah.		
15	Q. Regardless of how old that person may		
16	be?		
17	A. Yes.		
18	Q. Or how young that person may be?		
19	A. Yes.		
20	Q. He may swear at someone that's 20?		
21	A. Correct.		
22	MR. DISBROW: I don't have any		
23	further questions.		
24	MS. WEGNER: All right, Mr.		

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<p>1 ROBERT WINGO VS. 2 THYSSENKRUPP MATERIALS NA, INC., et al. 3 4 The Deposition of PATRICK BISHOP, taken in 5 the matter, on the date, and at the time and place 6 set out on the title page hereof. 7 It was requested that the deposition be 8 taken by the reporter and that same be reduced to 9 typewritten form. 10 It was agreed by and between counsel and 11 the parties that the Deponent will read and sign 12 the transcript of said deposition. 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>66</p> <p>1 DEPOSITION ERRATA SHEET 2 3 4 Case Caption: ROBERT WINGO VS. 5 THYSSENKRUPP MATERIALS NA, INC., et al. 6 DEONENT: PATRICK BISHOP 7 DEPOSITION DATE: MAY 30, 2008 8 . 9 To the Reporter: 10 I have read the entire transcript of my Deposition 11 taken in the captioned matter or the same has been 12 read to me. I request that the following changes 13 be entered upon the record for the reasons 14 indicated. I have signed my name to the Errata 15 Sheet and the appropriate Certificate and authorize 16 you to attach both to the original transcript. 17 18 19 20 21 22 23 24</p>
<p>1 CERTIFICATE 2 STATE OF : 3 COUNTY OF : 4 Before me, this day, personally appeared, 5 PATRICK BISHOP, who, being duly sworn, states that 6 the foregoing transcript of his/her Deposition, 7 taken in the matter, on the date, and at the time 8 and place set out on the title page hereof, 9 constitutes a true and accurate transcript of said 10 deposition. 11 12 PATRICK BISHOP 13 14 SUBSCRIBED and SWORN to before me this ____ day 15 of _____, ____ in the jurisdiction 16 aforesaid. 17 18 My 19 Commission Expires Notary Public 20 21 22 23 24</p>	<p>67</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 SIGNATURE: _____ DATE: _____ 24</p>

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1 I, Rose Weber, Certified shorthand Reporter
2 for the State of Illinois, do hereby certify that the
3 foregoing was reported by stenographic and mechanical
4 means, which matter was held on the date, and at the
5 time and place set out on the title page hereof
6 and that the foregoing constitutes a true and accurate
7 transcript of same.

8 I further certify that I am not related to
9 any of the parties, nor am I an employee of or related
10 to any of the attorneys representing the parties, and
11 I have no financial interest in the outcome of this
12 matter.

13 I have hereby subscribed my hand on the _____
14 day of _____.

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19 Rose Weber, CSR
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I, Rose Weber, Certified shorthand Reporter
for the State of Illinois, do hereby certify that the
foregoing was reported by stenographic and mechanical
means, which matter was held on the date, and at the
time and place set out on the title page hereof
and that the foregoing constitutes a true and accurate
transcript of same.

I further certify that I am not related to
any of the parties, nor am I an employee of or related
to any of the attorneys representing the parties, and
I have no financial interest in the outcome of this
matter.

I have hereby subscribed my hand on the 17th
day of June, 2008.

Rose Marie Weber

Rose Weber, CSR

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